IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.Rev.Pet.No. 443 of 1999()

CRA.7/1996 of SESSIONS COURT, THRISSUR
CC.388/1994 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

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REVN. PETITIONER: APPELLANT/ACCUSED

ZAINUL ABDEEN MUSALIARY
M/S.ZAINUL CASHEW PACKERS
VILAVOORKONAM P.O., VELAMANOOR
KALLUVATHUKKAL, KOLLAM

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. E.S.I. CORPORATION, REPRESENTED BY THE
INSPECTOR (LEGAL), E.S.I.CORPORATION
REGIONAL OFFICE, THRISSUR.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI
SRI.TPM.IBRAHIM KHAN
SRI.T.V.AJAYAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP NO.443/1999

ORDER ON CRL.M.P.NO.1908/1999 IN CRL.R.P.NO.443/1999

DISMISSED

29.5.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.443 of 1999

Dated this the 29th day of May, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 85(a) and 85(e) of the E.S.I. Act for failing to remit the E.S.I. contribution as well as for not filing the returns and sentenced to undergo R.I. for six months and to pay a sum of Rs.25,402/- as contribution being the amount of compensation defaulted to be paid for the offence under Section 85(a) and in default, to undergo R.I. for six months and to pay a fine of Rs.4,000/- and in default, to undergo rigorous imprisonment for three months for the offence under Section 85(e).

2. The revision petitioner has also submitted before this court, the letter issued by the Deputy Director (finance), E.S.I. Corporation, mentioning that he has remitted Rs.30,046/- towards the dues and penalty. The counsel for the petitioner has pleaded for leniency pointing out that the revision petitioner is aged 67 years. The matter is of the year 1994. In view of the long delay and the fact that so far the revision petitioner has

been facing criminal proceedings, I find that the sentence is to be modified. The conviction is confirmed and the sentence under Section 85(a) is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for one month. The sentence imposed under Section 85(e) is confirmed. It is submitted that the revision petitioner has already deposited Rs.9,000/- towards the compensation amount. Revision petitioner is bound to deposit the rest only. Revision petitioner shall appear before the court below on 30.6.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl